

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

DENIED

ALLEN WRIGHT 25697

C/A NO. 1:11-cv-00036-TLW

RECEIVED
USDC CLERK, COLUMBIA, SC

HERRY L. WOOTEN
U.S. DISTRICT JUDGE

2012 OCT 11 PH 2:09

JASON WEBBER et al.
DEFENDANTS,

PLAINTIFFS'
MOTION FOR RELIEF
FROM A JUDGEMENT
OR ORDER - RULE 60(b)(6)

PLAINTIFF MOVES THIS COURT ON MOTION FOR RELIEF FROM THE COURT'S FINAL JUDGEMENT IN THE ABOVE TITLED CASE PURSUANT TO RULE 60(b)(6) OF FRCP.

BECAUSE THE DISTRICT COURT JUDGE ADOPTED THE MAGISTRATES' REPORT AND RECOMMENDATION THAT CONCLUDED PLAINTIFFS' CASE SHOULD BE DISMISSED WITH PREJUDICE AND DEFENDANTS BE GRANTED SUMMARY JUDGEMENT, BECAUSE PLAINTIFF HAD NOT RESPONDED SUBSTANTIVELY TO DEFENDANTS MOTION FOR SUMMARY JUDGEMENT ON OR BEFORE APRIL 18TH, 2012 PURSUANT TO ORDER DATED MARCH 3, 2012 AND THEREFORE COULD NOT WITHSTAND SUMMARY JUDGEMENT. HOWEVER, THE OVERLOOKED THE REASONS FOR THE FAILURE. PLAINTIFF CONTENDS FAILURE WAS DUE TO MIS-UNDERSTANDING BY A PRO SE PRISONER LITIGANT WITH A DOCUMENTED MENTAL ILLNESS, FOR WHICH HE IS AND HAS BEEN UNDER DOCTORS CARE SINCE OCT 7, 2010, NO TRAINING OR EXPERIENCE IN LAW - EXCUSABLE NEGLIGENCE - NOT WILLFUL DISREGARD). FURTHER, PLAINTIFF HAS NOW SUBMITTED HIS AMENED SUPPLEMENTAL PLEADINGS (PURSUANT TO RULE 15(b), AND THESE PLEADINGS WILL AID IN PRESENTING THE MERITS OF THE PLAINTIFFS' CLAIMS BY SETTING FORTH SPECIFIC FACTS AND EVIDENCE THAT SUPPORT PLAINTIFFS' CLAIMS. DEFENDANTS WILL NOT BE PREJUDICE BY A GRANT OF RELIEF FROM THE ABOVE MENTION JUDGEMENT. IN THE INTEREST OF JUSTICE AND FINALITY PLAINTIFF REQUEST RELIEF FROM DISTRICT JUDGES FINAL JUDGEMENT. (RE-OPEN PLAINTIFFS' CASE).

Allen Wright

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

ALLEN WRIGHT #255897
PLAINTIFF

CI AND. 1:11-2199-JZW

VS
JASON WEBBER et. al.
DEFENDANTS,

CERTIFICATE
OF
SERVICE

THE UNDERSIGNED HEREBY CERTIFIES
THAT HE HAS SERVED ON U.S. DISTRICT
COURT AND DEFENDANTS, PLAINTIFFS' MOTION
FOR RELIEF FROM A JUDGEMENT OR ORDER
RULE-60(b)(6). BY U.S. MAIL, POSTAGE PRE
PAID, ADDRESSED AS FOLLOWS:

U.S. DISTRICT COURT
CLERK'S OFFICE
901 RICHLAND STREET
COLUMBIA, S.C. 29201

MCDONALD PATRICK FOSTON
HEMPHILL & ROPER, LLC.
414 MAIN STREET
GREENWOOD, S.C. 29648-1547

DATE: OCT. 3, 2012

Allen Wright